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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,598	04/26/2005	Wilhelmus G.M. Bruls	4662-301	1794
23117 7590 09/26/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER NUTTER, NATHAN M	
			ART UNIT 1711	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/510,598

Applicant(s)

BRULS ET AL.

Examiner

Nathan M. Nutter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruls et al (WO 00/77078), cited by applicants.

The reference shows the contemplated blend of a "polyolefin polymer grafted with an ethylenically unsaturated functionalized compound with at least a first functional group" at the paragraph bridging page 3 to page 4, a "reactive thermoplastic polymer with a second functional group which can react with the first" grafted polymer at page 2 (lines 26-31) wherein A is a polyamide (claim 11) and a "base polymer, wherein the base polymer comprises at least 55 wt% of a single site catalyst polymerised polyolefin" at page 3 (lines 16-28). This paragraph shows the polyethylene of claim 8 and the plastomer of claims 9 and 10. The reference shows melt-mixing at page 2 (lines 10-18). The ranges of inclusion are shown at the Abstract. A skilled artisan would know to what degree to functionalize the grafted polyolefin. The order of addition has not been established as critical. As such, the sequence recited would be an obvious variant within the common practice of an artisan in this art. Nothing has been provided to show unexpected results otherwise. As such, the claims are deemed to be obvious since a

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practitioner would have a high level of expectation of success to arrive at the instant invention following the teachings contained within the confines of the patent.

Claims 6-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquemet et al (US 6,117,561), cited by applicants.

The patent to Jacquemet et al teaches the production of a "polyolefin polymer grafted with an ethylenically unsaturated functionalized compound with at least a first functional group" at column 3 (lines 44-50), a "reactive thermoplastic polymer with a second functional group which can react with the first" grafted polymer at column 4 (lines 38-44) that may be a polyamide (claim 11) and a "base polymer, wherein the base polymer comprises at least 55 wt% of a single site catalyst polymerised polyolefin" at column 3 (lines 14-35). This constituent may be an olefin polymer, including polyethylene of claim 8. The reference shows melt-mixing at column 6 (lines 31 et seq.). The ranges of inclusion are shown at column 3 (lines 8-10). A skilled artisan would know to what degree to functionalize the grafted polyolefin. The order of addition has not been established as critical. As such, the sequence recited would be an obvious variant within the common practice of an artisan in this art. Nothing has been provided to show unexpected results otherwise. As such, the claims are deemed to be obvious since a practitioner would have a high level of expectation of success to arrive at the instant invention following the teachings contained within the confines of the patent.

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Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Datta et al (US 5,225,483), newly cited.

The patent to Dattat et al teaches the production of a "polyolefin polymer grafted with an ethylenically unsaturated functionalized compound with at least a first functional group" at column 4 (line 36) to column 10 (line 47), specifically column 9 (lines 11-17), a "reactive thermoplastic polymer with a second functional group which can react with the first" grafted polymer at column 10 (line 53) to column 11 (line 7) and a "base polymer, wherein the base polymer comprises at least 55 wt% of a single site catalyst polymerised polyolefin" at column 4 (lines 37 et seq.). This constituent may be an olefin polymer, including polyethylene of claim 8. The reference shows melt-mixing at column 12 to column 13, and "the components may be admixed in any order using standard polymer mixing techniques." A skilled artisan would know to what degree to functionalize the grafted polyolefin. The order of addition has not been established as critical. As such, the sequence recited would be an obvious variant within the common practice of an artisan in this art. Nothing has been provided to show unexpected results otherwise. As such, the claims are deemed to be obvious since a practitioner would have a high level of expectation of success to arrive at the instant invention following the teachings contained within the confines of the patent.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alex et al (US 6,432,548), newly cited.

The patent to Alex et al teaches the production of a "polyolefin polymer grafted with an ethylenically unsaturated functionalized compound with at least a first functional group" at column 3 (line 54) to column 4 (line 44), a "reactive thermoplastic polymer with a second functional group which can react with the first" grafted polymer at column 3 (lines 18-29) that may be a polyamide (claim 11) and a "base polymer, wherein the base polymer comprises at least 55 wt% of a single site catalyst polymerised polyolefin" at column 3 (lines 32-53). This constituent may be an olefin polymer, including polyethylene of claim 8. The reference shows melt-mixing at column 6 (lines 30 et seq.). A skilled artisan would know to what degree to functionalize the grafted polyolefin. The order of addition has not been established as critical. As such, the sequence recited would be an obvious variant within the common practice of an artisan in this art. Nothing has been provided to show unexpected results otherwise. As such, the claims are deemed to be obvious since a practitioner would have a high level of expectation of success to arrive at the instant invention following the teachings contained within the confines of the patent.

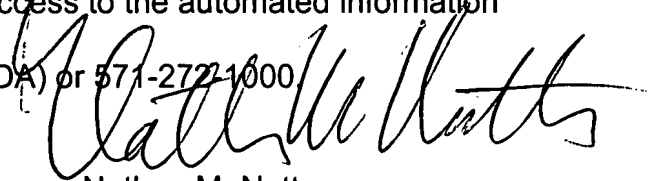
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan M. Nutter  
Primary Examiner  
Art Unit 1711

nmn

22 September 2007